

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TIMOTHY OLIVER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:04cv499LG-JMR

CAPTAIN RICK GASTON

DEFENDANT

FINAL JUDGMENT

This matter is before the Court on submission of the Report and Recommendation of Chief United States Magistrate Judge John M. Roper [34-1] entered in this cause on September 7, 2006. The Court, having adopted said Report and Recommendation as the finding of this Court by Memorandum Opinion and Order entered this date, finds that this matter should be dismissed. Accordingly,

IT IS ORDERED AND ADJUDGED, that because there is no genuine issue as to any material fact on Plaintiff's claims, Defendant is entitled to Judgment as a Matter of Law pursuant to FED. R. CIV. P. 56. Therefore, the Motion for Summary Judgment filed January 18, 2005 [20-1], should be and is hereby **GRANTED** and the above captioned case is dismissed with prejudice. All pending motions are hereby denied as moot.

SO ORDERED AND ADJUDGED this the 25th day of September, 2006.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE